

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

1. SEE NOTICE ON REVERSE.

2. PLEASE TYPE OR PRINT.

3. STAPLE ALL ADDITIONAL PAGES

<b>Case Caption:</b> AMBAC Assurance Corporation v. Adelanto Public Utility Authority		<b>District Court or Agency:</b> South. Dist. of New York		<b>Judge:</b> Hon. John F. Keenan	
		<b>Date the Order or Judgment Appealed from was Entered on the Docket:</b> March 18, 2014		<b>District Court Docket No.:</b> 09-cv-5087	
		<b>Date the Notice of Appeal was Filed:</b> April 10, 2014		<b>Is this a Cross Appeal?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

  

<b>Attorney(s) for Appellant(s):</b>  Plaintiff <input checked="" type="checkbox"/> Defendant	<b>Counsel's Name:</b> Eric Evans Wohlforth, Jr., Gibbons P.C., One Gateway Center, Newark, NJ 07102, (t) 973-596-4879, (f) 973-639-6486, ewohlforth@gibbonslaw.com <b>Address:</b> <b>Telephone No.:</b> <b>Fax No.:</b> <b>E-mail:</b>				
<b>Attorney(s) for Appellee(s):</b>  <input checked="" type="checkbox"/> Plaintiff Defendant	<b>Counsel's Name:</b> David W. Dykhouse, Patterson, Bellknap, Webb & Tyler, LLP, 1133 Avenue of the Americas, New York, NY 10036 (t) 212-336-2000, (f) 212-336-2222, dwdykhouse@pbwt.com <b>Address:</b> <b>Telephone No.:</b> <b>Fax No.:</b> <b>E-mail:</b>				

  

<b>Has Transcript Been Prepared?</b>  No	<b>Approx. Number of Transcript Pages:</b>	<b>Number of Exhibits Appended to Transcript:</b>	<b>Has this matter been before this Circuit previously?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>If Yes, provide the following:</b> <b>Case Name:</b> <b>2d Cir. Docket No.:</b> <b>Reporter Citation: (i.e., F.3d or Fed. App.)</b>		
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**ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; (3) A COPY OF THE NOTICE OF APPEAL AND A CURRENT COPY OF THE LOWER COURT DOCKET SHEET; AND (4) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.**

**ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.**

  

**PART A: JURISDICTION**

<b>1. Federal Jurisdiction</b>  U.S. a party <input checked="" type="checkbox"/> Diversity Federal question (U.S. not a party) <input type="checkbox"/> Other (specify): _____	<b>2. Appellate Jurisdiction</b>  Final Decision <input checked="" type="checkbox"/> Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b)) Interlocutory Decision Appealable As of Right <input type="checkbox"/> Other (specify): _____
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**IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.**

**PART B: DISTRICT COURT DISPOSITION (Check as many as apply)**

1. Stage of Proceedings	2. Type of Judgment/Order Appealed	3. Relief
<input checked="" type="checkbox"/> Pre-trial <input type="checkbox"/> During trial <input type="checkbox"/> After trial	<input type="checkbox"/> Default judgment <input checked="" type="checkbox"/> Dismissal/FRCP 12(b)(1) lack of subj. matter juris. <input checked="" type="checkbox"/> Dismissal/FRCP 12(b)(6) failure to state a claim <input type="checkbox"/> Dismissal/28 U.S.C. § 1915(e)(2) frivolous complaint <input type="checkbox"/> Dismissal/28 U.S.C. § 1915(e)(2) other dismissal <input checked="" type="checkbox"/> Other (specify): <b>fees/costs</b>	<input checked="" type="checkbox"/> Damages: Sought: \$ _____ <input checked="" type="checkbox"/> Granted: \$ <u>7,780,489</u> Denied: \$ _____ Injunctions: Preliminary Permanent Denied

**PART C: NATURE OF SUIT (Check as many as apply)**

1. Federal Statutes	2. Torts	3. Contracts	4. Prisoner Petitions
Antitrust Bankruptcy Banks/Banking Civil Rights Commerce, Energy Commodities <input checked="" type="checkbox"/> Other (specify): <b>Johnson Act</b>	Communications Consumer Protection Copyright <input type="checkbox"/> Patent Trademark Election Soc. Security Environmental Freedom of Information Act Immigration Labor OSHA Securities Tax	Admiralty/ Maritime Assault / Defamation FELA Products Liability Other (Specify):	Admiralty/ Maritime Arbitration <input checked="" type="checkbox"/> Commercial Employment Insurance Negotiable Instruments Other Specify
<b>5. Other</b> Forfeiture/Penalty Real Property Treaty (specify): _____ Other (specify): _____	<b>6. General</b> Arbitration Attorney Disqualification Class Action Counsel Fees Shareholder Derivative Transfer	<b>7. Will appeal raise constitutional issue(s)?</b> Yes <input checked="" type="checkbox"/> No Will appeal raise a matter of first impression? <input checked="" type="checkbox"/> Yes No	

1. Is any matter relative to this appeal still pending below? <input checked="" type="checkbox"/> Yes, specify: <u>Plaintiff claim for specific perf.</u> No			
2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which:			
(A) Arises from substantially the same case or controversy as this appeal?		Yes	<input checked="" type="checkbox"/> No
(B) Involves an issue that is substantially similar or related to an issue in this appeal?		Yes	<input checked="" type="checkbox"/> No
If yes, state whether "A," or "B," or both are applicable, and provide in the spaces below the following information on the <i>other</i> action(s):			
Case Name:	Docket No.	Citation:	Court or Agency:
Name of Appellant:			

Date: <b>4/23/14</b>	Signature of Counsel of Record: <b>//s// E. Evans Wohlforth, Jr.</b>
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**NOTICE TO COUNSEL**

Once you have filed your Notice of Appeal with the District Court or the Tax Court, you have only 14 days in which to complete the following important steps:

1. Complete this Civil Appeal Pre-Argument Statement (Form C); serve it upon all parties, and file it with the Clerk of the Second Circuit in accordance with LR 25.1.
2. File the Court of Appeals Transcript Information/Civil Appeal Form (Form D) with the Clerk of the Second Circuit in accordance with LR 25.1.
3. Pay the \$505 docketing fee to the United States District Court or the \$500 docketing fee to the United States Tax Court unless you are authorized to prosecute the appeal without payment.

**PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN 14 DAYS, YOUR APPEAL WILL BE DISMISSED. SEE LOCAL RULE 12.1.**